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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/821,287	03/29/2001	Atsushi Inagaki	1232-4694	2141
27123	7590	09/09/2004	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			NGUYEN, LUONG TRUNG	
			ART UNIT	PAPER NUMBER
			2612	6

DATE MAILED: 09/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/821,287

Applicant(s)

INAGAKI, ATSUSHI

Examiner

LUONG T NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Objections

2. Claims 13-15 are objected to because of the following informalities:
Claim 13 (lines 9 and 10), "the display device" should be changed to --the display--.
Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4-5, 7, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by Fredlund et al. (US 6,724,427).

Regarding claim 1, Fredlund et al. discloses an image sensing apparatus (electronic camera 12, figure 2) comprising an image sensor (electronic sensor 50, figure 2, column 3, lines 5-15); a display (display 35, figure 2, column 3, lines 5-15) for displaying an image obtained by

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said image sensor and information about a status of the image sensing apparatus, the information is different from the image; a power supply unit for supplying power to processing circuits including said image sensor and said display (battery, column 1, lines 20-25); and a controller (camera controller 30, figure 2, column 3, lines 5-15) for controlling operating statuses of said display and said power supply unit, wherein said controller controls supply of power to said display so as to set said display ON for a predetermined period and only display the information which is different from the image when said display is OFF (column 1, lines 20-27) and the information is to be displayed on said display (column 3, lines 5-15).

Regarding claim 4, Fredlund et al. discloses the information about the status of the image sensing apparatus includes information representing a status in which an operation of the image sensing apparatus is interfered (display 35 shows the operational mode of flash tube 42 and operating parameters of optic 26, column 2, lines 60-65).

Regarding claim 5, Fredlund et al. discloses the information representing the status in which the operation of the image sensing apparatus is interfered includes information representing that any of operations of a power source (display 35 shows the operational mode of flash tube 42, column 2, lines 60-65), a recording medium (memory 52, figure 2, column 3, lines 10-15) for storing an image, and an image sensing lens (optic 26, figure 2) is interfered.

Regarding claims 7, 10-11, claims 7, 10-11 are method claims of apparatus claims 1, 4-5, respectively. Therefore, see Examiner's comment regarding claims 1, 4-5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3, 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (US 6,724,427) in view of Niikawa (US 6,710,809).

Regarding claims 2, 8, Fredlund et al. fails to specifically disclose the controller controls to change the predetermined period in accordance with power supply level of said power supply unit. However, Niikawa teaches a digital camera in which a predetermined time period of operation of the camera is changed based on the voltage detected by the detector (column 2, lines 52-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Fredlund et al. by the teaching of Niikawa in order to provide a digital camera in which a battery can be effectively consumed while keeping the battery life as long as possible (column 2, lines 26-30).

Regarding claims 3, 9, Niikawa discloses controller shortens the predetermined period when the power supply level of said power supply unit is lower than a predetermined value (see table 2, column 13).

7. Claims 6, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (US 6,724,427) in view of Hwang et al. (US 6,661,454).

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Regarding claims 6, 12, Fredlund et al. fails to specifically disclose the information about the status of the image sensing apparatus includes information about a remaining number of sensible images and an image size. However, Hwang et al. teaches a digital camera includes memory card fullness icon 52 which displays the relative amount of memory space that is available for storage in the removable memory card 28 (figures 2A-2C, column 4, lines 55-65). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Fredlund et al. by the teaching of Hwang et al. in order to provide a digital camera having a simple, easily understood visual indication of the approximately amount of memory remaining on a removable memory card (column 2, lines 35-40).

8. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fredlund et al. (US 6,724,427) in view of Niikawa (US 6,710,809) further in view of Anderson (US 6,011,585).

Regarding claims 13-15, Fredlund et al. and Niikawa disclose an apparatus has a function of displaying image and information about status of the apparatus as discussed regarding claims 1-3, except the feature “a computer program having a computer readable program code means for a display method”. However, Anderson teaches that while a preferred embodiment is implemented in software, those skilled in the art would readily recognize that a hardware equivalent implementation would also be acceptable (column 13, lines 58-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the device in Fredlund et al. and Niikawa by the teaching of Anderson in order to perform a display by hardware or software.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lavelle et al. (US 6,362,851) discloses digital camera with separate function and option icons and control switches.

Ono (US 6,714,245) discloses video camera having a liquid crystal monitor with controllable backlight.


10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUONG T NGUYEN whose telephone number is (703) 308-9297. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LN LW
9/7/04



NGOC-YEN VU
PRIMARY EXAMINER